

Chapter 3	Special Districts		
	Part 1	Floyds Fork Special District (reserved)* Development Review Overlay District and Floyds Fork DRO Guidelines	3.1-1
	Part 2	Jefferson Forest Special District (reserved)*	3.2-1
	Part 3	Ohio River Corridor Special District (reserved)*	3.3-1
	Part 4	Tyler Rural Settlement Special District (reserved)*	3.4-1
	<i>Appendix 3A</i>	<i>Bardstown Road/Baxter Avenue Corridor Review Overlay District</i>	<i>3A-1</i>
	<i>Appendix 3B</i>	<i>Downtown Overlay District</i>	<i>3B-1</i>
	<i>Appendix 3C</i>	<i>Waterfront Review Overlay District</i>	<i>3C-1</i>

*Reserved portions of the Land Development Code will be drafted and presented for adoption as part of the next phase of the Land Development Code.

Reserved; until the community based planning process is complete and a Floyds Fork Special District regulation is adopted, the Development Review Overlay District (DRO), originally adopted in 1993, remains in effect.

Development Review Overlay District

A. General Regulations:

1. The Development Review Overlay District - DRO Definition and Purposes:
 - a. The Development Review District is an overlay shown on the zoning district maps. It constitutes a second level of development standards in addition to those specified by the underlying zoning district.
 - b. The purpose of the district is to protect the quality of the natural environment. The district achieves these purposes by promoting compatible development of land and structures. The Development Review District is to protect the public and property owners in the district:
 - i. From blighting influences which might occur under conventional land use regulations.
 - ii. From unsafe buildings which would be caused by uncontrolled development.
 - iii. From significant damage or destruction of prominent hillsides or valleys caused by improper development.
 - iv. From significant damage to the economic value of existing properties and/or new developments.
 - v. From soil erosion and stream siltation.
 - vi. From the destruction of mature and/or valuable trees and other vegetation and wildlife habitat.
 - vii. From loss of high quality visual character.
2. Definitions

Terms in this section shall have the meanings hereinafter given unless the context shall clearly indicate otherwise.

 - a. "Protected Body of Water" is a body of water shown on the U.S. Geological Survey topographic maps and identified for protection in the design guidelines referenced in paragraph B. 7, below.

- b. "Clearing of forested area" is removal or destruction of trees and other live woody vegetation exceeding a caliper of six inches (trunk diameter measured six inches above ground) to the extent that fewer than 20 trees that meet or exceed this dimension remain standing in each 20,000 square foot area.
- c. "Wetland" is a jurisdictional wetland as defined by the current federal wetlands delineation manual.

3. Applicability:

- a. The Development Review Overlay District shall not be deemed to repeal or in any respect alter the provisions and requirements of the Flood Plain Regulations, the Metropolitan Sewer District, or applicable local, state or federal regulations.
- b. Where applicable by provisions of this ordinance, requirements imposed herein shall be in addition to those of the underlying zoning classifications.

B. Development Within The Overlay District:

1. Exempt Activities:

Existing single family homes, existing and future residential accessory uses and structures, structures accessory to a use established before enactment of the DRO District and expansion of structures to a lesser extent than specified in B. 2. (j), below are not regulated by the provisions of this section. Agricultural use and related structures likewise are exempt from the provisions of this section.

2. Regulated Activities:

Activities that may be detrimental to the natural, scenic and environmental characteristics as described herein are regulated by the provisions of this ordinance and subject to the review process set out in paragraph 3 below. Such activities include:

- a. Clearing of forested area greater than 5,000 square feet for development purposes.
- b. Grading, excavation, construction of retaining walls, or alteration of the ground surface other than that attendant to agricultural uses.
- c. Alteration of a protected body of water including channeling, diverting, dredging or removal of stream materials.
- d. Bridging or damming of a protected body of water.

- e. Modification of a wetland, including filling, excavation, clearing of trees, paving, construction or diversion of the water supply.
- f. Construction of any structure other than those exempted in Paragraph B.1.
- g. Utility construction including water, sewer or waste disposal, natural gas and electric.
- h. Construction of roadways or parking lots serving more than a single dwelling unit.
- i. Subdivision of land.
- j. Expansion of an existing residential structure by more than 50% or of a non-residential structure by more than 10% beyond the extent of the structure's square footage as existed on the effective date of this regulation.
- k. Installation of a freestanding sign exceeding 30 square feet in area.

3. Review Process:

Regulated activities, as described above are allowed only upon approval by the Planning Commission or its designee. The Commission will review proposed regulated activities to determine impact on environmental characteristics, including but not limited to impacts on water quality, the floodplain, wetlands, natural drainage ways, steep slopes, soils, forestation and scenic vistas. The Commission will consult with the Director of Works and the Metropolitan Sewer District in the course of this review process. The applicant will provide adequate information to allow the Commission to determine impacts of the proposal and compliance with the guidelines established in paragraph 7. below.

If a Conditional Use Permit is required in conjunction with a review and approval under this section, the Conditional Use Permit review by the Board of Zoning Adjustment shall not occur until the Planning Commission has concluded its review and approval under this section.

4. Review Authority

- a. The LD&T committee of Planning Commission may review development proposals and act on behalf of the Commission. The action taken by the committee can be appealed to the Planning Commission within thirty (30) days of such action. Failure to appeal the committee's action in accordance with this section shall preclude further review and appeal.

- b. The following regulated activities may be reviewed for compliance with this regulation and approved by the director of the Planning Commission or the director's designee.
- i. Construction of a single family home on a lot created prior to the application of the Development Review Overlay.
 - ii. Construction of one or more single family homes in a subdivision which the Planning Commission has approved in accordance with this regulation.
 - iii. Cutting, filling, other alteration of the ground surface, subject to the limits established for a minor earth excavation in **Section 4.4.7**.
 - iv. Construction of retaining walls having a vertical face of eight feet or less.
 - v. Clearing less than three acres of forested area.
 - vi. Construction of roadways or parking lots serving five or fewer dwelling units.
 - vii. Subdivision of land creating three or fewer parcels.
 - viii. Expansion of an existing residential structure and expansion of a non-residential structure by 100 percent or less.

The action taken by the director may be appealed to the Planning Commission within thirty (30) days of such action. Failure to appeal the action of the director in accordance with this section shall preclude further review and appeal.

5. Submittal Requirements

Submittal materials required by this section will be only as detailed as necessary to determine environmental impacts, without creating needless expense for the applicant. Persons contemplating development within the DRO area are encouraged to schedule a pre-application meeting with Planning Commission staff to determine if the project will require review under this regulation, and to identify materials that will have to be submitted. A proposed district development plan in accordance with the provisions of Plan Certain (**Chapter 11 Part 6**), may be needed depending upon the scope of the proposal.

6. Public Hearing Requirement:

Persons seeking approval of a regulated activity other than those listed in paragraph 4.b., above shall supply the Planning Commission with the names and addresses of all persons designated by the property valuation administrator as owners of every parcel of property adjoining at any point the subject property and directly across the street from said property, and owners of every parcel of property which adjoins at any point the adjoining property or the property directly across the street from the subject property. The Planning Commission shall notify these adjoining property owners of the proposed development and shall solicit their comments concerning the need for a public hearing. For activities described in paragraph 4. b., the director of the Commission shall determine if notification of the above mentioned property owners and/or a hearing is warranted; the Planning Commission shall determine the need for a public hearing on other regulated activities. The Planning Commission shall send notice of the public hearing to said persons by first class mail not less than 7 nor more than 21 days prior to the hearing.

7. Guidelines for Approval:

Design guidelines and performance standards which address the characteristics of each Development Review Overlay District shall be prepared. The Planning Commission shall use these design guidelines to determine impact of a proposed development on the quality of the environment in the Development Review District. The guidelines shall be enacted in ordinance by the legislative body, in conjunction with the amendment of the Zoning District Map to create each Development Review Overlay District.

8. Conditions of Approval

The plan will be reviewed to determine if negative impacts on the environment can be overcome, mitigated to a substantial degree or proven not to exist. Upon incorporation of any necessary mitigative measures, approval of the development or activity will be given, contingent upon meeting other appropriate regulations including but not limited to Building Code requirements, Zoning District Regulations, Floodplain Regulations, Air Pollution Control and Health Code Requirements. The Planning Commission may disapprove a proposed district development plan if negative environmental impacts are not adequately mitigated. Revisions to an approved district development plan requested by the applicant will be reviewed by the Planning Commission. The Commission may require a public hearing, depending on the magnitude of change and the potential for environmental impacts.

9. Length of Plan Review Period

It is the Planning Commission's goal to work with applicants, so that delay is minimized. Within 30 business days after submittal of all materials required under paragraph 3, above, the Planning Commission or its designee will take action on a proposed development. For those proposals which are taken to public hearing, the plan review period will be extended to 60 business days. Failure of the Planning Commission or its designee to act on an application within these plan review periods shall authorize the applicant to proceed in accordance with the plan as filed, subject to other applicable regulatory approval and permit, unless the review period is extended by agreement between the Planning Commission and the applicant.

10. Actions Final

Action by the Planning Commission on a proposed district development plan is final. Such action may be appealed in accordance with Kentucky Revised Statutes.

11. Enforcement:

Immediately after approving a development plan under this article, the Planning Commission shall transmit a certified copy of the approved plan to the Building Department or Code Enforcement Office. The Building Department shall be authorized to issue permits only in accordance with the approved development plan under this section. In addition, violation of any feature of an approved development plan shall be treated in the same manner as a violation of the Zoning District Regulations.

The following section contains the Floyds Fork DRO Guidelines which were adopted in February 1993.

Intent: The intent of the Floyds Fork Design Guidelines is to insure that new development within the Floyds Fork Corridor is designed to aid in restoring and maintaining excellent quality for land and water resources of the Floyds Fork Corridor. The design guidelines are also intended to complement the natural landscape in order to obtain an aesthetically pleasing, rural atmosphere.

Applicability: The following guidelines would apply to new development, including subdivisions, new construction, clearing and grading of land. Existing homes, farms and undeveloped property are not required to meet these standards. Before a building permit or subdivision is approved, the proposed plans would be reviewed for compliance with these standards. [Note: Environmental constraints referenced within these guidelines are shown in the Core Graphics Section of the Comprehensive Plan, copies of which are available at the Planning Commission].

1. Stream Corridors

- a. A buffer strip should be maintained a minimum of 100 feet wide on each side of Floyds Fork and a 50-foot wide strip on each side along tributaries shown on Map A. Steep slopes extending beyond the minimum buffer strip may necessitate a wider buffer. The buffer strip is to be measured from the ordinary high water mark. Riparian vegetation should be established, as necessary, and maintained along stream banks to stabilize the banks and protect water quality. Where a bank has been denuded of its vegetation through erosion, slope failure or similar occurrence, other vegetation such as KY-31 Fescue may be appropriate to quickly establish a vegetative cover. This should be considered however only as a temporary, interim solution. Selective removal of dying or diseased trees and shrubs within the buffer strip is permissible, provided that a live root system stays intact. Native plant material adequate for filtering surface drainage should be maintained within the buffer strip. [Note: Small lots within the buffer strip will not be prevented from developing.]
- b. Structures and impervious surfaces should be located at least 200 feet from each bank along Floyds Fork measured from the ordinary high water mark. In conjunction with the riparian vegetative buffer, this buffer protects the stream from adjacent development by filtering sediment, removing other pollution and reducing the force of runoff. In addition hazards from floods and erosion are reduced for development adjacent to the stream. [Note: Small lots within the buffer strip will not be prevented from developing.]
- c. Measures to avoid stream bank erosion are especially desirable; although limited grazing is beneficial to vegetation, excessive grazing of livestock near streams can be detrimental to vegetation and reduce the effectiveness of the buffer strip.
- d. In areas experiencing stream bank erosion, planting of native riparian vegetation is preferred. If this stabilization technique is determined to be inadequate by the agency responsible for drainage review, the preferred alternative is riprap that is installed in a manner that allows tree growth among the stones.
- e. Structures, impervious surfaces, septic systems and associated fill slopes should not be located within the floodplain. Stream crossings are an exception to this; crossings should be minimized and be aesthetically compatible with the natural values of the stream channel.
- f. Filling and excavation should not be permitted in the floodplain. Floodplains are recommended for agricultural and recreational use.

- g. Modification of streams shown on Map A including stream relocation and channelization is strongly discouraged. Watercourse modification as a convenience for site design purposes is not appropriate. Removal of fallen trees, tree limbs, brush and similar debris that accumulate naturally in creek beds and impede stream flow is acceptable.

2. Trees and Vegetation

- a. Existing wooded areas, in addition to the riparian buffer strip, should be retained wherever possible. Hillside vegetation in particular should be preserved.
- b. Wooded areas shown on the development plan as being retained should be preserved and maintained in healthy condition. As trees die or are removed, replacements should be provided.
- c. Grading and soil compaction by construction vehicles under the drip lines of trees and wooded areas intended to be retained should be minimized.
- d. Where grading within wooded areas is necessary, disturbed areas should be seeded to a shade tolerant plant species and mulched with straw.
- e. Proposed major subdivisions should indicate the limits of the site disturbance area for each lot being created. The site disturbance area should be shown in relation to environmental constraints: slopes over 20%, floodplains and wet soils.
- f. Proposed major subdivisions should indicate existing wooded areas to be retained and to be removed. The location of existing trees exceeding 18" in diameter at a point 54" above the ground that would be removed should be shown on the plan.
- g. Temporary protective fences should surround features to be preserved during the construction process. Features to be preserved shall be defined during the review process (e.g., trees, slopes, historical and archaeological sites).

3. Drainage and Water Quality

- a. On site wastewater disposal systems should be located to minimize potential water pollution. Lateral fields should be sited at least 150 feet from the ordinary high water mark of a stream shown on Map A.

- b. Areas identified as wetlands in studies approved by government agencies should be preserved in their natural state. Drainage, flooding patterns and any hydrologic system(s) needed to sustain the wetlands should not be altered. Existing vegetation and wildlife habitat should be preserved.
 - c. To avoid soil loss, property damage, pollution and cleanup costs, an erosion and sediment control plan should be submitted for major subdivisions and other developments with potentially significant water quality impacts. Guidelines found in the Soil Erosion and Sediment Control Practices Section of MSD's design manual currently in effect are to be used when preparing an erosion and sediment control plan. Additional information on this topic is available from Planning Commission staff.
 - d. Runoff from impervious surfaces should be conveyed in a manner that minimizes erosion. Natural stormwater channels are preferred over manmade materials such as conveyances constructed of concrete.
 - e. Adequate provision should be made to prevent any storm or surface water from damaging the cut face of any excavation or the sloping face of any fill. When necessary for protection of critical areas, diversion ditches or terraces should be provided.
 - f. Developers of major subdivisions should plant, water and maintain vegetative cover on graded slopes on each unsold property until all properties have been sold.
4. Hillsides
- a. Design subdivisions and locate structures to preserve the natural character of the land to the greatest extent possible.
 - b. Areas with slopes of 20% or greater generally should not be disturbed.
 - c. Major subdivisions with developable lots or roadways situated on slopes of 33% or greater should be permitted only if a report prepared by a qualified geotechnical or soils engineer documents that the proposed design will not result in hazardous conditions and certifies work during construction.
 - d. Minimize cuts and fills. Necessary cuts, fills and other earth modifications should be replanted with appropriate vegetation. Minimize the practice of terracing hillsides in order to provide additional building sites. Structural containment of slopes should be minimized; retaining walls exceeding six feet in height should be avoided.

5. Clustering of Residential Use

- a. Site planning should create cluster patterns of new development whenever possible: building sites and land disturbance activity should be concentrated in portions of the site better suited for development, to minimize disruption of environmentally sensitive areas and to retain the corridor's rural character. Clustering allows significant portions of the site to remain undeveloped, while achieving an amount of development comparable to traditional site plans and reducing development costs.
- b. Preservation of agricultural use, including pastures and sustained-yield wood lots, is encouraged.

[Note: Cluster developments including lots less than 5 acres in size, with on-lot wastewater disposal, may be approved if designed in accordance with the DRO guidelines.]

6. Historic Elements

- a. Where possible, preserve and retain historic elements and distinctive site features such as old buildings, cemeteries, archaeological sites, fence rows, walls and other significant signs of past land use, and as otherwise identified by the agency responsible for historic preservation.

7. Vistas and Appearance

Residential Development

- a. New construction along designated scenic corridors (Map A) should preserve the area's rural appearance. In existing wooded areas a buffer area 60 feet in width and densely vegetated should be maintained, to create an effective visual barrier. Outside the wooded areas (agricultural or open lands), new development should provide a substantial setback from the roadway (400 feet minimum) with plantings to partially screen buildings (1 tree per 25 feet of building facade visible from the road). An alternative to the substantial setback is to create a 60-foot buffer thickly planted with fast growing native trees and shrubs. Residential developments having two or more dwellings per acre should provide the 60-foot buffer.
- b. Placement of new homes within an existing wooded area, or along far edges of open fields adjacent to woodland; is encouraged (to reduce impact upon agriculture, to provide summer shade and shelter from wind and to enable new construction to be visually absorbed by natural landscape features).

- c. Creation of new driveways from designated scenic corridors should be minimized; common driveways and shared access points are encouraged. Where appropriate for the site's topography and traffic volumes gravel rather than paved drives are encouraged.
- d. Signature entrances located along designated scenic corridors should not exceed six feet in height or 50 feet in total length (25 feet each side).

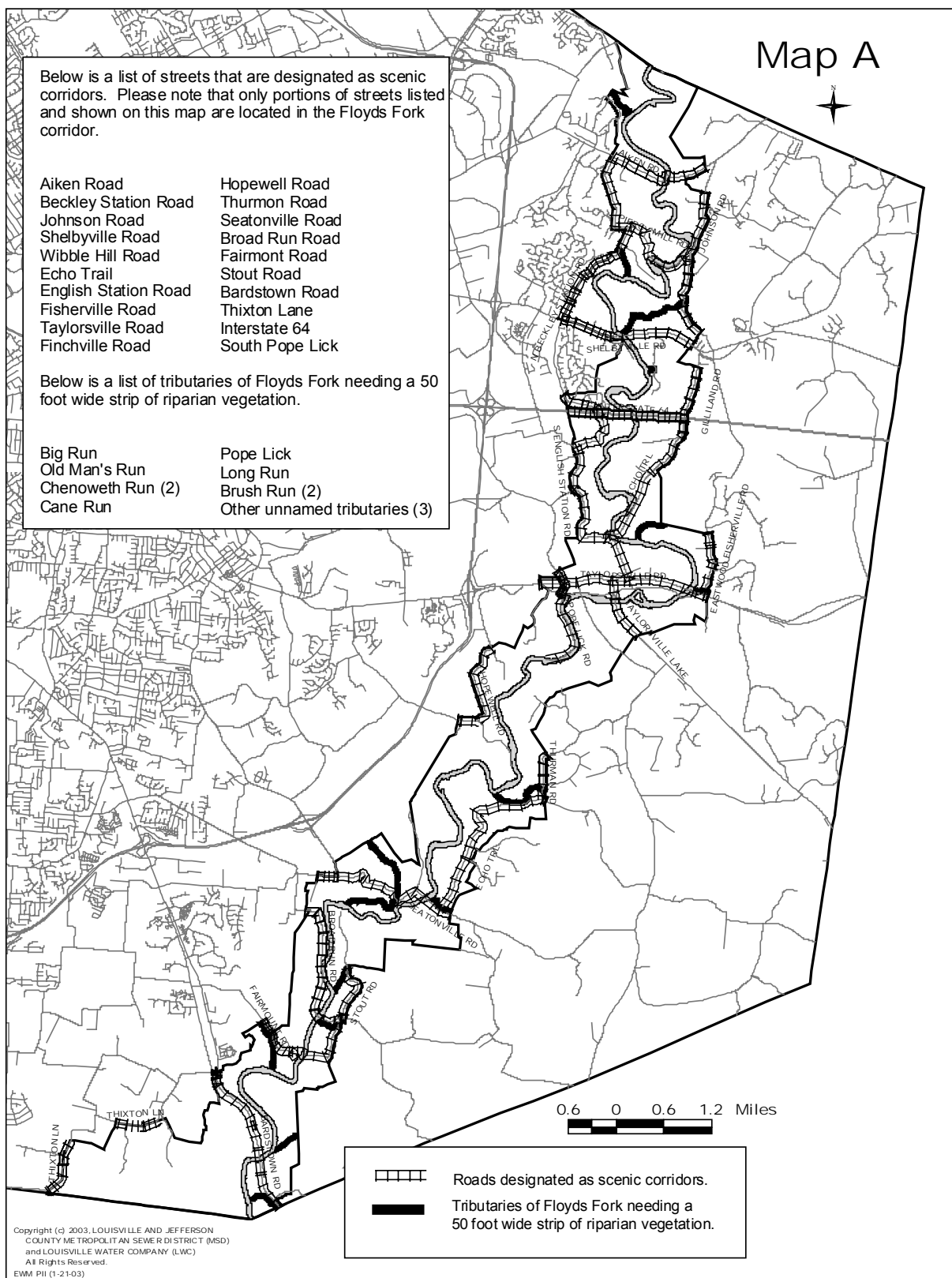
Non-Residential Development

- e. New development should be setback a minimum of 50 feet from the right-of-way line of designated scenic corridors (Map A). This area is reserved to accommodate landscaping consistent with the "rural character" of the Floyds Fork corridor. When used in this context, development includes all buildings, signs, parking lots; service drives and access roads that parallel designated scenic corridors.
- f. Landscaping in the 50 foot green space (1a. above) along designated scenic corridors should include earth berming (average height of three feet) and shrub masses to screen parking areas. Large deciduous trees, a minimum of one tree for every 50 feet of roadway frontage, should be planted in the green space. Existing trees should be retained whenever possible, both in the buffer area and within the area to be developed. Trees should be planted at least ten feet from the right-of-way.
- g. Parking lots should be provided only at the side or rear of the buildings to reduce visual impact of the use while providing an appropriate level of visibility.
- h. Buildings, parking lots, and other impervious surfaces should cover no more than 75 percent of each site. The remainder of the site should be planted and maintained with live vegetative cover so as to reduce visual impacts as well as drainage and run off problems.
- i. Newly installed utility services should be underground and service structures should be screened as required by **Chapter 10** of the Development Code.
- j. Attached and monument type signs are preferred (see glossary for definition); pole signs should be avoided.
- k. Permanent freestanding signs for property or business identification should not exceed six feet in height or sixty square feet in area. Attached signs are governed by size standards found in the Zoning District Regulations.

- l. Billboards, off-premise advertising signs of any kind, banners, balloons, and pennants should not be visible from a scenic corridor.

All Development

- m. Buildings should be planned and designed and vegetation should be managed to preserve and enhance scenic vistas along roadways shown on Map A.
- n. The visual impact of new structures proposed for prominent hillsides visible from public facilities, scenic corridors and the stream itself should be minimized. Trees should be retained or planted to screen them or to create a filtered view of these structures (one tree per 25 feet of building facade length).
- o. When it is necessary to use retaining walls, their height should be minimized. A series of smaller retaining walls is preferable to one large wall, provided that the series of walls can be built without excessive removal of vegetation during construction. Retaining walls faced with brick or stone are preferable.
- p. Hedges and fence rows (trees and shrubs growing along a fence) are the preferred means of property enclosure provided they do not obstruct scenic vistas. If chain link fencing is to be used, it should blend with its setting (painted or vinyl coated with dark colors such as black, green or brown). Unscreened galvanized chain link fencing is appropriate only for areas not visible from roads shown on Map A.
- q. Parking areas, outbuildings, satellite dishes, and other less attractive aspects of a development should be screened from view. Where total screening is impractical, partial measures that lessen the full visual impact of development are recommended.



Part 2 Jefferson Forest Special District

Reserved

Part 3 Ohio River Corridor Special District

Reserved

Part 4 Tyler Rural Settlement Special District

Reserved

APPENDIX 3A**Bardstown Road/Baxter Avenue Corridor Review Overlay District****A. General Regulations**

1. Upon the effective date of this Ordinance, within the District, no person shall commence any development activity as defined in § 158.26 of this Ordinance without obtaining a Permit issued, without cost, pursuant to the procedures set forth in § 158.27 of this Ordinance certifying compliance with the design guidelines established by § 158.29 of this Ordinance.
2. The Guidelines are intended to promote compatibility of new development with existing land use and design features, to enhance the District's visual quality, to preserve the District's commercial character with a pedestrian friendly environment and to strengthen the economic vitality of the District by encouraging new investment and further business and commercial development, in appropriate locations within the District.
3. The application of Guidelines is intended to provide public review in the public interest of the design elements of a proposed development within the District and of the community impact of a proposed demolition of a Contributing Historical Structure within the District. Accordingly, public participation shall be encouraged in the review process.
4. The Guidelines are not intended to discourage commercial development but to encourage such development which is innovative and aesthetically pleasing in design. A development proposal that does not conform to one or more specific guidelines may be approved if it is determined that the proposal is in conformance with the intent of the guidelines considered as a whole.
5. It shall be a condition precedent to obtaining any permit for any development activity within the District that the person has obtained a Permit pursuant to this Ordinance. Permits shall be issued only where it is determined, pursuant to the procedures established by this Ordinance, that the proposed development activity is in compliance with the Guidelines.

B. Design Review Guidelines

1. Location, Height and Orientation
 - a. i. Structures should be designed to reinforce the existing pattern of small storefronts facing the Corridor.
 - ii. Facade design, where appropriate, shall be cognizant of pedestrian activity.

- iii. Display windows shall be encouraged.
 - iv. A Structure's main entrance generally should face the Corridor.
 - b. Structures should be located at or near the front property line with the amount of setback designed to be compatible with adjacent properties and traditional neighborhood patterns.
 - c. Development plans should provide side yards wide enough to allow for maintenance of building side walls if common party walls on the lot line are not provided.
 - d.
 - i. The design of new or substantially remodeled Structures should be generally compatible with the height of existing buildings in a given block and with adjacent residential areas.
 - ii. Sight lines of facade heights as seen from the adjacent sidewalk should be generally consistent with those of adjacent buildings.
 - iii. Structures greater than three stories high may be permissible if taller portions are set back from the street frontage so that overall sight lines are compatible and if the increased height is not intrusive for adjacent residential areas.
2. Historic Preservation
- a. Changes to the exterior of Contributing Historic Structures and other Structures within the corridor which are more than 50 years old and which have not been significantly altered shall be reviewed in accordance with the standards established for Contributing Historic Structures by the United States Secretary of the Interior, but the Director, in his discretion, may relax these standards in the interest of accomplishing the intentions of these Guidelines.
 - b. The design of new or substantially remodeled Structures which are adjacent to Contributing Historic Structures should be compatible with them and should incorporate design elements of such Structures, where appropriate.
 - c. No application to demolish any Contributing Historical Structure or Structure more than 50 years old shall be approved by the Director unless the applicant demonstrates to the satisfaction of the Director:

- i. That the rehabilitation of a Structure or construction of a new Structure will have a greater positive impact upon the District's economic vitality and appearance than the preservation of the Structure proposed to be demolished and the rehabilitation of the Structure or the construction of the new Structure would not be possible or economically feasible without the demolition of the Structure proposed to be demolished; or
 - ii. That the applicant cannot obtain a reasonable economic return from the property or Structure unless the Contributing Historical Structure or Structure more than 50 years old is demolished in accordance with the application.
- 3. Materials/Patterns
 - a.
 - i. For new or substantially remodeled Structures, exterior brick of a solid uniform color or horizontal lapped siding is encouraged.
 - ii. Other exterior materials are appropriate if compatible with existing exterior materials traditionally used within the area.
 - b. Fencing
 - i. Fencing and screening walls should be constructed of materials compatible with the principal Structure.
 - ii. Chain link fencing should not be visible from the Corridor.
- 4. Site Development, Landscaping and Open Spaces
 - a.
 - i. Development proposals should include maintainable, attractive year-round landscaping, street trees or planter boxes along the street frontage of any development site to reinforce the building pattern.
 - ii. Development proposals should provide screening to reduce visual impacts on adjacent residential neighborhoods.
 - b. Development Plans, if feasible, should minimize the adverse visual impact of utility lines on the Corridor. Underground lines or service from the alley, where feasible, is encouraged.
 - c. Pedestrian seating areas are encouraged,
- 5. Parking Areas
 - a. The combining of existing small, under-utilized lots to create shared parking areas that are more efficient and more accessible is strongly encouraged.

- b. Parking areas generally should be located to the rear of Structures.
 - c. Parking areas adjacent to the public sidewalk should use landscaping, trees, colonnades or other construction, to maintain the line formed by Structures along the sidewalk.
 - d. Intensity, location, color and direction of lighting shall be sensitive to nearby residential areas.
 - e. Adequate perimeter landscaping that screens vehicles, buffers adjacent residential areas, but allows people to feel safe shall be provided.
 - f. Interior landscaping should include shade trees.
 - g. The number and width of curb-cuts on the Corridor should be minimized. To promote pedestrian circulation, existing continuous curb-cuts should be reduced to widths necessary for vehicular traffic.
6. Signs
- a. The number, type, setback and size of signs should be planned so as not to detract from the District's visual quality nor from the visual quality of the blockface in which the development is located.
 - b.
 - i. Attached signs are preferred. Attached signage composed of individual letters or symbols is also preferred.
 - ii. Projecting signs and free-standing monument signs with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign and has a maximum height of six feet (6'0") are acceptable when consistent with the pattern of business signs in the blockface in which the development is located.
 - iii. A free-standing sign mounted on its own support system typically a pole or post is inappropriate for a development with less than 120 feet of frontage on the corridor except where the denial of a free-standing sign would effectively prevent the business from adequately identifying itself. Under these circumstances a free-standing monument sign is preferred.
 - c.
 - i. Signs should be designed for good graphic communication.
 - ii. Signs should be integrated with the design of the Structure or development with which they are associated and with the pattern of business signs in the blockface in which the development is located.

- d. i. Signs should not be higher than 20 feet nor located above the cornice line of the Structure.
- ii. Roof top signage is not appropriate.
- iii. New outdoor advertising signs (billboards) are strongly discouraged; removal of existing billboards is encouraged.
- e. The development proposals should provide for the removal of unused signs and supports on the property.
- f. i. Type, direction and degree of illumination of signs should be of a low intensity, consistent with the project's design and surrounding developments.
- ii. Internally illuminated signs should have opaque field (background) colors so that only the sign graphics are illuminated.
- g. i. Traditional awnings on Structures used for commercial purposes are encouraged. No more than 33 percent of the total square footage of the awning shall be devoted to lettering, logos or other symbols. The color and size shall be appropriate to the design of the Structure and surrounding development.
- ii. Backlit translucent awnings are discouraged.

7. Public Art and Amenities

- a. Includes, but is not limited to, that form of sculpture, mural or painting, water element, lighting, or other form of creative expression which is viewable within a development site or upon a Structure.
- b. Should be designed, executed and supervised by artists or other design professionals.
- c. Should be integrated with the design of the overall project or development.
- d. Should aesthetically enhance the urban environment of the District.

C. Exempt Activities

- 1. The following development activities shall be exempt from review under these regulations.
 - a. Ordinary repairs;
 - b. Removal of existing signage without replacement;

- c. Emergency repairs ordered by a City Building Code enforcement official in order to protect health and safety;
 - d. Exterior alteration, addition or repair of a structure used as a single-family residence which does not increase the number of dwelling units in the structure or does not increase the total square footage of floor space in the structure by more than 20 percent;
 - e. Temporary signage, installed for a period of less than two months, during which time an application for permanent signage is pending under this Ordinance;
 - f. Maintenance of existing signage advertising an on-site business, including but not limited to rewording or replacing sign panels;
 - g. Alterations only to the interior of a Structure; and
 - h. Demolition of accessory Structures.
- 2. All development activity within the District, except for exempt activities described in item 1 above shall be classified pursuant to the procedures set forth in § 158.27 of the City of Louisville Ordinance as either requiring expedited or non-expedited review under the Guidelines, as follows:
 - a. The following development activities shall be subject to expedited review:
 - i. New awnings, business signs and replacement of structural elements of existing signs.
 - ii. An addition to a Structure used for commercial purposes which is not visible from the corridor and which does not increase the total square footage of floor space in the Structure by more than ten percent (10 percent).
 - b. All other development activities shall be subject to non-expedited review.
- D. Permit Requirements and Appeal
 - 1. No permit or certificate of occupancy shall be issued by any City agency for any development activity within the District unless a Permit for such development activity has been obtained pursuant to this regulation.

2. An application for development activity within the District shall be submitted to the Department of Inspections, Permits & Licenses. The application shall include at least the following information, unless waived pursuant to item D.3 below:
 - a. A site plan, drawn to an appropriate scale, photographs or other presentation media showing the proposed development activity in the context of property lines, adjacent structures, trees, sidewalks, etc.
 - b. Plans, elevations and other drawings, drawn to appropriate scale, as may be necessary to fully explain all proposed Structures or alterations to existing Structures.
 - c. Details of urban design elements, off-street parking, landscaping, fencing or walls, signage, streetscape and other aspects as may be necessary to fully present the proposed development activity.
3. Applicants may seek review of a development proposal prior to making formal application pursuant to D.2 above. The preliminary review shall be conducted by the Staff to determine if the minimal requirements for acceptance of the application have been met. The Staff may agree to waive certain requirements set out in D.2 above if they determine that such requirements are not necessary for review of the application pursuant to this regulation.
4. Within two working days of receipt of an application determined to be complete, the Staff shall classify the development proposal as either exempt or not exempt, requiring either expedited or non-expedited approval. The Staff may classify an application as requiring non-expedited review even if the proposed development activity meets the definition for expedited review if it determines that the application would be more appropriately considered by the Committee.
5. A permit application classified as requiring expedited approval shall be reviewed by the Director, who shall within three working days after classification, approve the Permit, approve the Permit with conditions, or deny the Permit.

6. An application classified as requiring non-expedited approval shall be reviewed by the Committee within eight business days of classification. The applicant shall be sent, by first class mail, written notice of the date, time and location of the meeting of the Committee at which his application shall be considered. Notice of the application and of the date, time and location of the meeting of the Committee shall also be sent by first class mail to the owners of record of every property located within 100 feet of the property which is the subject of the application and to any business associations or neighborhood associations which have requesting in writing to receive such notices.
7. At the meeting scheduled to review the application, the Committee shall first hear a description of the proposed development activity and preliminary comments from the Staff which shall indicate which of the Guidelines apply to the proposed development activity. Following the Staff presentation, the applicant shall present such information as he chooses for the Committee's consideration. The Committee shall receive written comments from other parties and at the discretion of the Chairman may permit other parties to testify.
8. The Committee shall, by majority vote of the members present, make a recommendation to the Director, supported by a written finding of fact, which shall approve the Permit, approve the Permit with conditions, or deny the Permit.
9. The Director, within three business days following the receipt of the recommendation and finding of fact of the Committee shall make a decision to approve the Permit, approve the Permit with conditions, deny the Permit or refer the application to the Committee for further consideration. The decision of the Director shall be supported by a written finding of fact.
10. The Committee, in making its recommendations to the Director, and the Director in his decision-making capacity, shall each make written findings of fact based upon the information presented in each application and at each Committee meeting which support the written conclusion that the proposed development activity is or is not in compliance with the Guidelines.
11. If, after an applicant has obtained a Permit, the development proposal is amended, he shall submit the amended development proposal to the Staff who shall make a determination that the amendment has no significant impact or that the development proposal as amended requires additional review. Review of an amended proposal shall follow the same procedure as provided herein for an original application. Upon a determination by the Staff that the amended proposal requires review the previously issued Permit shall be suspended pending the review of the amended development proposal.

12. Any applicant who is denied a Permit shall have a right of appeal to the Board of Zoning Adjustment. The appeal from the written denial of the Permit shall be taken within 30 days of the date of such written denial.

APPENDIX 3B**Downtown Overlay District****A. General Regulations**

1. Upon the effective date of this Ordinance, within the overlay districts, no person shall commence any development activity as defined in § 158.07 without obtaining a permit issued, without cost, pursuant to the procedures set forth in § 158.08 certifying compliance with the applicable overlay district development review guidelines.
2. The Development Review Guidelines, attached hereto as Exhibit D, as amended on the effective date of this Ordinance and incorporated herein by reference, are enacted. The Development Review Guidelines are not intended to discourage development or to dictate architectural design or style, but to encourage such development that contributes to the overall urban design quality of the downtown and of each district. These Development Review Guidelines and the distinctive characteristics for each overlay district shall be the basis for evaluating applications for development proposals as applicable within each district as follows:
 - a. All Principles, as defined in Section 158.03, which are part of the Development Review Guidelines for a particular Overlay District, must be satisfied before an overlay district permit may be issued.
 - b. In order to demonstrate conformance with a particular Principle for an Overlay District and compliance with the Development Review Guidelines, a development application need not satisfy all District guidelines, as defined in Section 158.03, which relate to that Principle if a determination is made pursuant to the provisions of Subsection (B)(3) below that one or more District Guidelines are not applicable.
 - c. The Urban Design Administrator or Committee, as authorized respectively under Section 158.08(E) and Section 158.08(F), may determine that a District Guideline which relates to a Principle for an Overlay District should not be applied in evaluating whether a development application conforms to the Principle upon making findings of fact pursuant to Section 158.08 for each such District Guideline that:
 - i. The particular location characteristics of the site or existing structure, make the District Guidelines inappropriate for purposes of determining conformance with the particular Principle in the Overlay District; or

- ii. The applicant has demonstrated that the application addresses distinctive characteristics of the Overlay District not reflected in the District Guidelines which are applicable to the particular Principle and which provide an additional or alternative basis for determining conformance with that Principle in the Overlay District.
 - d. Upon making a determination that a development application concerns a site which is located in sufficient proximity to one or more other Overlay Districts and that it shares some of the characteristics of such nearby Overlay District or Districts, the Urban Design administrator or the Downtown Development Review Overlay District Committee, as authorized respectively under Section 158.08(E) and Section 158.08(F), may consider the District Guidelines applicable appropriate, in determining conformance with that same Principle in the Overlay District in which the proposed development is located. However, a development application shall not be required to satisfy all of the District Guidelines for that same Principle in the other Overlay Districts in order to demonstrate compliance with the Principle.
 - e. If a development application involves a phased project, the Urban Design Administrator or the Committee, as authorized respectively under Section 158.08(E) and Section 158.08(F), may, as a condition of approval of an overlay district permit for the first phase or phases, require landscaping, fencing, lighting and such other interim treatments as the Administrator or the Committee may determine appropriate for the undeveloped portion of the phased project.
3. It shall be a condition precedent to obtaining any permit for any development activity within an overlay district that the person has obtained an overlay district permit pursuant to this Section. Permits shall be issued only where it is determined, pursuant to the procedures established by this chapter, that the proposed development activity is in compliance with the Development Review Guidelines for the overlay district. In order to ensure that this Ordinance continues to further the goals and objectives of the Louisville Downtown Development Plan, the Committee shall review the Guidelines and recommend to the Board any amendments necessary.
4. The Downtown Review Overlay shall be comprised of the following four sections whose boundaries are described in the City of Louisville Code of Ordinances Title XV, Chapter 158, Exhibit A:
- a. Core-Broadway Overlay District
 - b. East-West Downtown Overlay District

c. Main-Market Overlay District

d. Waterfront View Overlay District

B. Core-Broadway Overlay District

1. All new construction or improvements should be built to property lines.
2. Whenever nearby buildings are primarily built to the sidewalk, the shapes and forms of new construction or improvements should create a strong, well-defined base at pedestrian level that fits well into its context. As a general minimum, this base should be two to three stories.
3. To allow adequate light and air, tall building (over 14 stories) should generally:
 - a. Keep 100 feet between other tall building within the same block.
 - b. Make sure the upper stories of tall buildings are progressively narrower.
4. The shapes and forms of a building and its orientation to the street, to people and to nearby buildings should:
 - a. Enhance existing views and vistas--or potential ones.
 - b. Be sensitive to any impact on the pedestrian, including overexposure to the sun, too much wind, or not enough light or air.
 - c. Relate strongly to nearby buildings, particularly at the edges of the district where stepbacks or changes in building height and volume are important.
5. Rooftops should avoid looking cluttered from any vantage point. All mechanical or utility equipment should be well-integrated into the overall design.
6. The exterior of any construction, improvements or alterations should be designed and detailed so that it fits well into its architectural surroundings. Exteriors should:
 - a. Be compatible with the general character of nearby buildings.
 - b. Reinforce the character of any buildings having historic or architectural significance according to the Downtown Development Plan.

- c. Follow the latest edition of the Secretary of the Interior's Standards for Rehabilitation as a guide whenever historic or architecturally significant structures are involved; in short, don't alter significant features.
- 7. Blank, fortress-like walls at the street level are discouraged. Buildings in the Core-Broadway District should:
 - a. Strive to maintain the vertical street-level patterns of architectural details common throughout the district. Columns, doorways, entrances, storefronts and other vertical elements should be approximately every 20 to 40 feet at pedestrian level.
 - b. Use glass to encourage people activity and make buildings look and feel more inviting to the pedestrian. As a general rule, 50 percent of the wall surface next to the pedestrian should be clear.
 - c. Use design details to emphasize the building's base, so that there's a strong horizontal feeling to which people at sidewalk level can easily relate.
- 8. Lighting--interior and exterior--is important in making buildings and the downtown in general look and feel more inviting 24 hours a day. Lighting should:
 - a. Be integrated into the exterior design.
 - b. Help create a greater sense of activity, security and interest to the pedestrian.
- 9. Any parking garage visible from the street should be integrated into its surroundings and provide an active and inviting street-level use and appearance. The garage should:
 - a. Follow all guidelines for Building Design.
 - b. Avoid ramped floors that are clearly visible from the street.
 - c. Make sure the predominant vertical and horizontal architectural forms and patterns within the districts are followed.
 - d. Be sensitive to conflicts between cars and pedestrians.
 - e. Have openings and entrances that are in scale with people.
 - f. Provide adequate direction and information signs for motorists.
- 10. Surface parking lots should ideally not create gaps along the street and sidewalk. Any surface lot in the district should:

- a. Use landscaping, trees, colonnades or other construction to maintain the line formed by buildings along the sidewalk.
 - b. Make sure there is adequate perimeter landscaping that is high enough to screen but low enough to let people feel safe.
 - c. Interior landscaping should especially include shade trees.
 - d. Provide adequate direction and information signs for motorists.
11. Open space should reinforce the sense of building frontage along the street. As a general rule, any newly developed or improved open space should:
- a. Be 100 feet away from any other open space.
 - b. Stay 100 feet from any intersection.
 - c. Avoid being any wider or deeper than 100 feet.
 - d. Use fences, trees, benches or other landscaping as a way to continue the sense of building frontage along the sidewalk.
12. Any newly developed or improved open space accessible to the public should generally:
- a. Create a comfortable and interesting place to rest.
 - b. Let people clearly know it's there and that it's accessible.
 - c. Provide plenty of seating (about one linear foot for every 30 square feet of paved open space).
 - d. Have enough lighting to create a safe nighttime environment.
 - e. Use fountains or other water features.
 - f. Incorporate public art.
13. Any newly developed or improved open space not directly accessible to public should be designed like a garden and should generally:
- a. Respect the sense of building frontage along the sidewalk.
 - b. Let pedestrians have a full view of the garden.
 - c. Use flowers and planting material that is attractive year-round.
 - d. Create a comfortable and interesting place to rest.

- e. Have enough lighting to create a safe nighttime environment.
 - f. Use fountains or other water features.
 - g. Incorporate public art.
- 14. The West Main Street Urban Design and Streetscape Guidelines apply.
 - 15. The Downtown Banner Guidelines (pursuant to Ordinance No. 99, Series 1992 and Street Banner Program Guidelines II. D, and IV. A, B, C) apply.
 - 16. Fences and walls should create or imply the continuation of the sense of frontage on the sidewalk established by surrounding buildings. (See Open Space and Off-Street Parking Guidelines.)
 - 17. Broadway and Second Street have been identified as future parkways. These streets should be tree-lined and parkway-like in appearance, with landscaping and other right-of-way improvements.
 - 18. For the sake of visual continuity, large shade trees should be planted in the right-of-way every 25 feet to 35 feet along the curbline in order to create a continuous canopy.
 - 19. A mix of ornamental and shade trees can be planted outside the right-of-way for both shade and visual variety.
 - 20. Signs should be sensitive to the architectural character of the district, building and project. Accordingly:
 - a. Integrate the sign into the design of the building or project; signs should fit, not cover.
 - b. Avoid gaudy, moving or harshly illuminated signs.
 - 21. Public art should be available for the enjoyment and enrichment of all the people within the community. Inclusion of a meaningful allowance for the Commissioning of public art in the planning and construction of all significant building projects is encouraged.
 - 22. The public art planning and selection process should begin at the onset of individual projects. It should be designed, executed and/or supervised by artists or other design professionals to integrate the artwork with the overall project and aesthetically enhance the urban environment.

C. East-West Downtown District

1. Building should be about 20 feet from the sidewalk in the East-West Downtown District, a distance generally consistent with the setback pattern established by past Urban Renewal projects and developments. The 20-foot area should be mainly lawn-covered or landscaped.
2. To allow adequate light and air, high-rise buildings should generally:
 - a. Keep about 100 feet between other tall buildings.
 - b. Make the upper stories of tall buildings progressively narrower (similar to the Empire State Building); the higher the story, the narrower.
3. The shapes and forms of a building and its orientation to the street, to the people and to nearby buildings should:
 - a. Enhance existing views and vistas--or potential ones.
 - b. Be sensitive to the impact on the pedestrian, including overexposure to the sun, too much wind, or not enough light or air.
 - c. Relate strongly to nearby buildings, particularly at the edges of the districts where stepbacks and changes in buildings height and volume are important.
4. Rooftops should avoid looking cluttered from any vantage point. All mechanical or utility equipment should be well-integrated into the overall design.
5. The exterior of any new construction and improvements should be designed and detailed so that it fits well into its architectural surroundings. Exteriors should:
 - a. Be compatible with the general character of nearby buildings.
 - b. Reinforce the character of any buildings having historic or architectural significance according to the Downtown Development Plan.
 - c. Follow the latest edition of the Secretary of the Interior's Standards for Rehabilitation as a guide whenever historic or architecturally significant structures are involved; in short, don't alter significant features.
6. Lighting--interior and exterior--is important in making buildings and the downtown in general look and feel more inviting 24 hours a day. Lighting should:

- a. Be integrated into the exterior design.
 - b. Help create a greater sense of activity, security and interest to the pedestrian.
7. Garages or parking lots visible from the street should be set back from sidewalk, or a distance equal to the prevailing building line, whichever is greater.
8. Any parking garage visible from the street should be integrated into its surroundings. The garage should:
- a. Follow all guidelines for Building Design.
 - b. Avoid ramped floors that are clearly visible from the street.
 - c. Make sure the predominant vertical and horizontal architectural forms and patterns within the district are followed.
 - d. Be sensitive to conflicts between cars and pedestrians.
 - e. Have openings and entrances that are in scale with people.
 - f. Provide adequate direction and information signs for motorist.
9. Surface parking lots should ideally not create gaps along the street and sidewalk. Any surface lot in the district should:
- a. Use landscaping, trees, colonnades or other construction to maintain the line formed by buildings along the sidewalk.
 - b. Make sure there is adequate perimeter landscaping that is high enough to screen but low enough to let people feel safe.
 - c. Interior landscaping--should especially include shade trees.
 - d. Provide adequate direction and information signs for motorist.
10. Any newly developed or improved open space accessible to the public should generally:
- a. Reinforce the "campus-like" feeling associated with the East-West Downtown District.
 - b. Create a comfortable and interesting place to rest.
 - c. Let people know it's there and it's accessible.
 - d. Provide plenty of seating (about 1 linear feet for every 30 square feet of paved open space).

- e. Have enough lighting to create a safe nighttime environment.
 - f. Use fountains or other water features.
 - g. Incorporate public art.
11. The Downtown Banner Guidelines (pursuant to Ordinance No. 99, Series 1992 and Street Banner Program Guidelines II. D, and IV. A, B, C) apply.
 12. Fences and walls should create or imply the continuation of the sense of frontage on the sidewalk established by surrounding buildings. (See Open Space and Off-Street Parking Guidelines.)
 13. Broadway, Second Street, and Roy Wilkins Boulevard/Ninth Street have been identified as future parkways. These streets should be tree-lined and parkway-like in appearance, with landscaping and other right-of-way improvements.
 14. For the sake of visual continuity, large shade trees should be planted in the right-of-way every 25 feet to 35 feet along the curbline in order to create a continuous canopy.
 15. A mix if ornamental and shade trees can be planted outside the right-of-way for both shade and visual variety.
 16. Landscaped areas should have lawn, evergreen ground covers, shrubs, or ornamental plantings that create a pleasant environment for pedestrians.
 17. Signs should be sensitive to the architectural character of the district, building and project. Accordingly:
 - a. Integrate the sign into the design of the building or project; signs should fit, not cover.
 - b. Avoid gaudy, moving or harshly illuminated signs.
 18. Advertising signs and billboards are discouraged and should:
 - a. Avoid blocking views and vistas or creating a cluttered appearance.
 - b. Be integrated into the design of a building or project.
 - c. Relate strongly to the character of the district.
 19. Public art should be available for the enjoyment and enrichment of all the people within the community. Inclusion of a meaningful allowance for the commissioning of public art in the planning and construction of all significant building project is encouraged.

20. The public art planning and selection process should begin at the onset of individual projects. It should be designed, executed and/or supervised by artists or other design professionals to integrate the artwork with the overall project and aesthetically enhance the urban environment.

D. Main-Market District

1. All new construction or improvements should be built to the property lines.
2. New buildings and improvements should respect the strong cornice lines and the sense of light and air in the Main-Market District. Therefore:
 - a. Step back any new construction or additions in the district above the cornice line of Main Street so that the addition or new construction isn't visible to a person standing on any Main Street sidewalk.
3. Whenever nearby buildings are primarily built to the sidewalk, the shapes and forms of new construction or improvements should create a strong, well defined base at pedestrian level that fits well into its context. As a general minimum, this base should be two to three stories.
4. To allow adequate light and air, tall buildings (over 14 stories) along Market Street should generally:
 - a. Keep about 100 feet between other tall buildings within the same block.
 - b. Make the upper stories of tall buildings progressively narrower.
5. The shapes and forms of a building and its orientation to the street, to people and to nearby buildings should:
 - a. Enhance existing views and vistas--or potential ones.
 - b. Be sensitive to the impact on the pedestrian, including overexposure to the sun, too much wind, or not enough light or air.
 - c. Relate strongly to nearby buildings, particularly at the edges of the district where stepbacks and changes in building height and volume are important.
6. Rooftops should avoid looking cluttered from any vantage point. All mechanical or utility equipment should be well-integrated into the overall design.

7. The exterior of any new construction and improvements should be designed and detailed so that it fits well into its architectural surroundings. Exteriors should:
 - a. Be compatible with the general character of nearby buildings.
 - b. Reinforce the character of any buildings having historic or architectural significance according to the Downtown Development Plan.
 - c. Follow the latest edition of the Secretary of the Interior's Standards for Rehabilitation as a guide whenever historic or architecturally significant structures are involved; in short, don't alter significant features.
8. Blank, fortress-like walls at the street level are discouraged. Buildings in the district should:
 - a. Strive to maintain the vertical street-level patterns of architectural details common throughout the district. Columns, doorways, entrances, storefronts and other vertical elements should be approximately every 20 to 40 feet at pedestrian level.
 - b. Use glass to encourage people activity and make buildings look and feel more inviting to the pedestrian. As a general rule, 50 percent of the wall surface next to the pedestrian should be clear.
 - c. Use design details to emphasize the building's base, so that there's a strong horizontal feeling to which people at sidewalk level can easily relate.
9. Lighting--interior and exterior--is important in making buildings and the downtown in general look and feel more inviting 24 hours a day. Lighting should:
 - a. Be integrated into the exterior design.
 - b. Help create a greater sense of activity, security and interest to the pedestrian.
10. Garages, surface parking lots and parking structures within 50 feet of Main Street are discouraged.
11. Any parking garage visible from the street should be integrated into its surroundings and provide an active and inviting street-level use and appearance. The garage should:
 - a. Follow all guidelines for Building Design.
 - b. Avoid ramped floors that are clearly visible from the street.

- c. Make sure the predominant vertical and horizontal architectural forms and patterns within the districts are followed.
 - d. Be sensitive to conflicts between cars and pedestrians.
 - e. Have openings and entrances that are in scale with people.
 - f. Provide adequate direction and information signs for motorists.
- 12. Surface parking lots should ideally not create gaps along the street and sidewalk. Any surface lot in the Main-Market District should:
 - a. Use landscaping, trees, colonnades or other construction to maintain the line formed by buildings along the sidewalk.
 - b. Make sure there is adequate perimeter landscaping that is high enough to screen but low enough to let people feel safe.
 - c. Interior landscaping should especially include shade trees.
 - d. Provide adequate direction and information signs for motorists.
- 13. No new open space should be created within 50 feet of Main Street.
- 14. New open space along Market Street should reinforce the sense of building frontage along the street. As a general rule, any newly developed or improved open space should:
 - a. Be 100 feet away from any other open space.
 - b. Stay 100 feet from any intersection.
 - c. Avoid being any wider or deeper than 100 feet.
 - d. Use fences, trees, benches or other landscaping as a way to continue the sense of building frontage along the sidewalk.
- 15. Any newly developed or improved open space accessible to the public should generally:
 - a. Create a comfortable and interesting place to rest.
 - b. Provide plenty of seating (about 1 linear foot for every 30 square feet of paved open space).
 - c. Have enough lighting to create a safe nighttime environment.
 - d. Use fountains or other water features.
 - e. Incorporate public art.

16. Any newly developed or improved open space not directly accessible to the public should be designed like a garden and should generally:
 - a. Respect the sense of building frontage along the sidewalk.
 - b. Let pedestrians have a full view of the garden.
 - c. Use flowers and planting material that is attractive year-round.
 - d. Create a comfortable and interesting place to rest.
 - e. Have enough lighting to create a safe nighttime environment.
 - f. Use fountains or other water features.
 - g. Incorporate public art.
17. The West Main Street Urban Design and Streetscape Guidelines apply.
18. The Downtown Banner Guidelines (pursuant to Ordinance No 99, Series 1992 and Street Banner Program Guidelines II. D, and IV. A, B, C) apply to the Main-Market District.
19. Fences and walls should create or imply the continuation of the sense of frontage on the sidewalk established by surrounding buildings. (See Open Space and Off-Street Parking Guidelines.)
20. Roy Wilkins Boulevard/Ninth Street and Second Street have been identified as future parkways. These streets should be tree-lined and parkway-like in appearance, and landscaping and other right-of-way improvements.
21. For the sake of visual continuity, large shade trees should be planted in the right-of-way every 25 feet to 35 feet along the curbline on order to create a continuous canopy.
22. A mix of ornamental and shade trees can be planted outside the right-of-way for both shade and visual variety.
23. Signs should be sensitive to the architectural character of the district, building and project. Accordingly:
 - a. Integrate the sign into the design of the building or project; signs should fit, not cover.
 - b. Avoid gaudy, moving or harsh illuminated signs.

24. Advertising signs and billboards are discouraged and should:
 - a. Avoid blocking views and vistas or creating a cluttered appearance.
 - b. Be integrated into the design of a building or project.
 - c. Relate strongly to the character of the district.
25. Public art should be available for the enjoyment and enrichment of all the people within the community. Inclusion of a meaningful allowance for the commissioning of public art in the planning and construction of all significant building projects is encouraged.
26. The public art planning and selection process should begin at the onset of individual projects. It should be designed, executed and/or supervised by artists or other design professionals to integrate the artwork with the overall project and aesthetically enhance the urban environment.

E. Waterfront View District

1. Buildings should be set back about 20 feet from the sidewalk in order to enhance views and access to the waterfront.
2. To allow adequate light and air, tall buildings (over 14 stories) should generally:
 - a. Keep about 100 feet between other tall buildings within the same block.
 - b. Make the upper stories of tall buildings progressively narrower.
3. The shapes and forms of a building and its orientation to the street, to people and to nearby buildings should:
 - a. Enhance existing views and vistas--or potential ones.
 - b. Be sensitive to any impact on the pedestrian, including overexposure to the sun, too much wind, or not enough light or air.
 - c. Relate strongly to nearby buildings, particularly at the edges of the district where stepbacks and changes in building height and volume are important.
4. Rooftops should avoid looking cluttered from any vantage point. All mechanical or utility equipment should be well-integrated into the overall design.

5. The exterior of any construction, improvements or alterations should be designed and detailed so that it fits well into its architectural surroundings. Exteriors should be compatible with the general character of nearby buildings.
6. Lighting--interior and exterior--is important in making buildings and the downtown in general look and feel more inviting 24 hours a day. Lighting should:
 - a. Be integrated into the exterior design.
 - b. Help create a greater sense of activity, security and interest to the pedestrian.
7. In order to view the waterfront, any parking garages visible from the street should be set back 20 feet from the sidewalk, or a distance consistent with the prevailing building line, whichever is greater. The garage should:
 - a. Follow all guidelines for Building Design.
 - b. Avoid ramped floors that are clearly visible from the street.
 - c. Make sure the predominant vertical and horizontal architectural forms and patterns within the district are followed.
 - d. Be sensitive to conflicts between cars and pedestrians.
 - e. Have openings and entrances that are in scale with people.
 - f. Provide adequate direction and information signs for motorists.
8. Any surface lot in the district should:
 - a. Make sure there is adequate perimeter landscaping that is high enough to screen but low enough to let people feel safe.
 - b. Interior landscaping--should especially include shade trees.
 - c. Provide adequate directions and information signs for motorists.
9. Any open space accessible to the public should generally:
 - a. Enhance pedestrian access to the waterfront, Belvedere and surrounding areas.
 - b. Reinforce views of the waterfront.
 - c. Create a comfortable and interesting place to rest.

- d. Let people clearly know it's there and that it's accessible.
 - e. Provide plenty of seating (about one linear foot for every 30 square feet of paved open space.)
 - f. Have enough lighting to create a safe nighttime environment.
 - g. Use fountains or other water features.
 - h. Incorporate public art.
- 10. The Downtown Banner Guidelines (pursuant to Ordinance No. 99, Series 1992 and Street Banner Program Guidelines II. D, and IV. A, B, C) apply.
 - 11. Fences and walls should reinforce the sidewalk line while enhancing views of the waterfront.
 - 12. River Road and Second Street have been identified as future parkways. These streets should be tree-lined and parkway-like in appearance, with landscaping and other right-of-way improvements.
 - 13. For the sake of visual continuity, large shade trees should be planted in the right-of-way every 25 feet to 35 feet along the curbline in order to create a continuous canopy.
 - 14. A mix of ornamental and shade trees can be planted outside the right-of-way for both shade and visual variety.
 - 15. Landscaped areas should have lawn, evergreen ground covers, shrubs, or ornamental plantings that create a pleasant environment for pedestrians.
 - 16. Signs should be sensitive to the architectural character of the district, building and project. Accordingly:
 - a. Integrate the sign into the design of the building or project; signs should fit, not cover.
 - b. Avoid gaudy, moving or harshly illuminated signs.
 - 17. Advertising signs and billboards are discouraged and should:
 - a. Avoid blocking views and vistas or creating a cluttered appearance.
 - b. Be integrated into the design of a building or project.

18. Public art should be available for the enjoyment and enrichment of all the people within the community. Inclusion of a meaningful allowance for the Commissioning of public art in the planning and construction of all significant building projects is encouraged.
19. The public art planning and selection process should begin at the onset of individual projects. It should be designed, executed and/or supervised by artists or other design professionals to integrate the artwork with the overall project and aesthetically enhance the urban environment.

F. Exempt Activities

1. The following development activities shall be exempt from review under the Development Review Guidelines:
 - a. Ordinary repairs
 - b. Removal of existing signage without replacement
 - c. Temporary signage or structures
 - d. Emergency repairs ordered by a City Building Code enforcement official in order to protect health and safety
 - e. Alterations or major structural change only to the interior of the structure
 - f. Development activity which falls within the jurisdiction of the Louisville Landmarks Commission.
2. All development activity within the overlay districts established by this chapter, except for exempt activities described in Subsection (A) of this Section shall be classified pursuant to the procedures set forth in § 158.08 of this chapter as either requiring expedited or non-expedited review under the Guidelines, as follows:
 - a. The following development activities shall be subject to expedited review:
 - i. Landscaping,
 - ii. Sidewalk/Street Paving; Lighting; Streetscape Furnishings; Banners,
 - iii. Signage; and,
 - iv. Exterior alterations which are not major structural changes.
 - b. The following development activities shall be subject to non-expedited review:

- i. New construction,
- ii. Major structural change, and
- iii. Parking facility development or redevelopment.

G. Permit Requirements and Appeal

1. No permit or certificate of occupancy shall be issued by any City agency for any development activity within an overlay district unless an overlay district permit for such development activity has been obtained pursuant to this chapter.
2. An application for development within an overlay district shall be submitted to the Department of Inspections, Permits and Licenses on a form prepared in collaboration with the Authority. The application shall include at least the following information, unless waived pursuant to Subsection (C) of this Section:
 - a. A site plan, drawn to an appropriate scale, photographs or other presentation media showing the proposed development in the context of property lines, adjacent structures, streets, sidewalks, etc.
 - b. Plans, elevations and other drawings, drawn to appropriate scale, as may be necessary to fully explain all proposed structures or alterations to structures.
 - c. Details of urban design elements, off-street parking, landscaping, fencing or walls, signage, streetscape and other aspects as may be necessary to fully present the proposed development.
3. Applicants may seek review of a development proposal prior to making formal application pursuant to Subsection (B) of this Section. The preliminary review shall be conducted by the Urban Design Administrator to determine if the minimal requirements for acceptance of the application have been met. The Urban Design Administrator may agree to waive certain of the requirements set out in Subsection (B) of this Section if he determines that such requirements are not necessary for review of the application pursuant to this chapter. An applicant whose proposal has been determined to require non-expedited approval, may seek a preliminary review of his development proposal by the Committee.
4. Within two working days of receipt of an application determined to be complete, the Urban Design Administrator, shall classify the development proposal as either exempt, or not exempt, requiring either expedited or non-expedited approval.

5. A permit application classified as requiring expedited approval shall be reviewed by the Urban Design Administrator who shall, within three working days after classification, prepare a written decision supported by a finding of fact which shall approve the overlay district permit, approve the permit with conditions, or deny the permit. An applicant, within five days of receipt of the decision of the Urban Design Administrator on a proposal requiring expedited review, may request appeal of the application to the Committee. The application shall be reviewed as provided in paragraph (F) of this Section for applications classified as requiring non-expedited approval, except that the Committee shall consider the application at its next regularly scheduled meeting following the request, provided that such request is made not later than four working days prior to the meeting.
6. A permit application classified as requiring a non-expedited approval shall be reviewed by the Committee within 14 days of classification. The permit application shall be reviewed by the Urban Design Administrator in accordance with the Guidelines and forwarded to the Committee with the Urban Design Administrator's written recommendation to either approve the permit, approve the permit with conditions, or to deny the permit.
7. The applicant shall be sent, by first class mail, written notice of the date, time and location of the meeting of the Committee at which his application shall be considered. The notice shall be sent no later than ten days prior to the date of the meeting, unless such notice is waived by the applicant.
8. At the meeting scheduled to consider the applicant's permit request, the Committee shall consider the written recommendation of the Urban Design Administrator and such other information as the applicant chooses to present for the Committee's consideration.
9. The Committee shall, by majority vote of the members present, make a decision, supported by a written finding of fact, which shall approve the permit, approve the permit with conditions, deny the permit, or defer consideration of the application until the next meeting of the Committee. Consideration of an application shall not be deferred more than one time. If the Committee defers consideration of an application it shall state the reason for such deferral.

10. The Executive Director shall review all decisions of the Urban Design Administrator and the Committee and may, within three working days, refer any application back to the Urban Design Administrator or the Committee, as appropriate, if he determines the decision is not adequately supported by the finding of fact. The Executive Director shall state in writing his objections to the decision. The Committee shall consider and render a final decision upon the remanded application at its next regularly scheduled meeting.
11. The Urban Design Administrator, and the Committee shall, in their decision making capacities, each make written findings of fact based upon the information presented in each application which support written conclusions that the application demonstrates that the proposed development activity is in compliance with the Guidelines.
12. If, after an applicant has obtained an overlay district permit, the development proposal is amended, he shall submit the amended development proposal to the Urban Design Administrator who shall make a determination that the amendment has no significant impact or that the development proposal as amended requires additional review. Review of an amended proposal shall follow the same procedure as provided herein for an original application. Upon a determination by the Urban Design Administrator that the amended proposal requires review, the previously issued overlay district permit shall be suspended pending the review of the amended development proposal.
13. Any applicant who is denied a permit shall have a right of appeal to the Board of Zoning Adjustment. The appeal from the written denial of the permit shall be taken within 30 days of the date of such written denial.

Exhibit D

DEVELOPMENT REVIEW GUIDELINES URBAN DESIGN PRINCIPLES AND DISTRICT GUIDELINES

The nine (9) urban design principles defined below were developed from the recommendations of the Louisville Downtown Development Plan adopted by the Board of Aldermen in August 1990. These nine principles apply to each of the four (4) development review overlay districts identified within the downtown area. For each of the four overlay districts, there are district guidelines that relate to each of the nine principles.

Principle 1

Building Location - How the building should relate to the sidewalk

Different downtown districts have taken on distinct identities over time that need to be respected. Buildings in some areas are set back from the sidewalk, creating an open feeling. Others give people a feeling of density and activity, with buildings built right up to the sidewalk.

Principle 2

Building Mass and Form - A building's exterior volume

Buildings should allow adequate light and air to get to the street level. Vistas and views from publicly owned areas are also important. Buildings shouldn't create canyons along sidewalks and streets.

Principle 3

Building-to-Building Character - How building facades should look along the street

A certain amount of architectural diversity is expected in any downtown. However, buildings should also be "good neighbors" by relating well to the common patterns of windows, entrances, cornice lines and column spacings around them and reinforcing the overall character of their immediate surroundings.

Principle 4

Building-to-Pedestrian Character - How building facades should relate to people on the street and sidewalk

People should have strong visual connections to buildings. That's because human-scaled details on buildings help create a vital, friendly place for pedestrians. A strong building-to-pedestrian relationship helps make downtown feel more inviting and active 24 hours a day.

Principle 5

Off-Street Parking

Parking garages and surface parking lots should have the same qualities and characteristics as any other downtown development. In other words, parking developments should relate strongly to nearby buildings and should be designed to promote comfort and safety for pedestrians on the street and the sidewalk.

Principle 6

Open Space

New open space should be located and designed to relate strongly to pedestrians and to buildings nearby. New or improved open space should make the downtown less barren and more active, livable and pleasant feeling.

Principle 7

Street and Sidewalk Character - Sidewalk and street paving, lighting, furniture, banners, fences, walls and landscaping

Downtown streets and sidewalks should be safe and attractive for both cars and pedestrians. Getting from one place to another should be a pleasant, comfortable and rewarding downtown experience.

Principle 8

Signs should provide clear information without overwhelming the reader. Signs should complement other signs and blend with buildings and the rest of their surroundings.

Principle 9

Art and Amenities

Public art and other amenities are part of our community's strong cultural heritage. They enrich and enliven people's experience of the downtown. Public art also creates a sense of pride, enhances property values and should be encouraged.

Waterfront Review Overlay District

- 162.40 Creation and boundaries
- 162.41 Definitions
- 162.42 Review of developmental activity and plans
- 162.43 Principles and guidelines
- 162.44 Administration and implementation
- 162.45 Exempt activities
- 162.46 Permit requirements and appeal
- 162.47 Permit agreement
- 162.48 Design guidelines
- 162.98 Severability
- 162.99 Penalty

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

WATERFRONT REVIEW OVERLAY DISTRICT

§ 162.40 CREATION AND BOUNDARIES.

(A) (1) Pursuant to KRS 82.660 - 82.670, the Waterfront Review Overlay District the "District") is created in order to provide additional regulations for design standards and development for the District.

(2) The boundaries of the District shall be as set forth on Exhibit A, attached to Ordinance No. 66-2004 and incorporated herein by reference.

(3) The distinctive characteristics of the District are described in Exhibit B, attached to Ordinance No. 66-2004 and incorporated herein by reference.

(B) Description of boundaries. The Waterfront Review Overlay (WRO) District, for the purpose of design reviews by the Waterfront Development Corporation, shall be considered to consist of three sub-areas with boundaries, which are incorporated by reference thereto and made a part of this subchapter.

(1) Area A-1: Downtown (CBD) waterfront area. Consistent with the W-1 and C-3 zoning, the intent is to achieve a high degree of public use with parks, hotels, public assembly areas, high density residential areas, and river theme retail commercial uses. The character envisioned is an urban district with hard-edged landscape and streetscape treatment, especially pedestrian oriented for day and night use with continuous public access to the water's edge.

(2) Area A-2: This area provides the potential to expand the downtown waterfront oriented businesses and public uses. Protection of the established character of historic structures and the extension of the established Main Street scale are important. Transition and connection from the CBD to the river for the public, and especially pedestrian movement, are key concepts. Pedestrian and vehicular linkages north and south across River Road are important concerns.

(3) Area B: This area contains Eva Bandman Park which is a community active and passive recreation area and should serve as a transition buffer from the urbanizing waterfront of Areas A-1 and B to the industrial waterfront in C-1. Area B is suited for a mix of public and private uses as permitted with W-2 zoning. Extension of the public assembly and gathering facilities and river's edge accessibility easterly from Area A-1 is encouraged. A transition from the urban waterfront of A-1 to a mix of developed and natural landscape at the water's edge is expected. Residential use is encouraged with densities variable from high to medium, taking advantage of adjacency to the river and public park land and proximity to the CBD.

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

(4) Area C-1: The balance of C-1 is primarily zoned W-3 with the intent of providing river-oriented industry a location for operation. Public access to the river's edge is preferred, but it is understood that safety, security or other business needs may make river edge access impractical. The key design issues for the area include the visual relationships of proposed development (height and mass) to River Road, to area C-2 south of River Road, and to vistas from 1-64, 1-71 and the river. Circulation and access impacts on the proposed River Road Parkway are also important issues. Industrial development proposed within the W-3 area, of the WRO district, shall receive a decreased level of review. Specifically, design criteria relating to the district's image will only apply to the areas visible from River Road and to a lesser degree from the Ohio River. Once it is determined that, by virtue of its "interior" location, a development proposal does not impact the district's image, notice will be given the applicant to proceed.

(5) Area C-2: This area is south of River Road and is expected to have both public and private open space and recreation and uses on the eastern end, and have the potential for private and public uses on the western side similar to the expectation for Area B. The design issues focus on the 1-64, 1-71 and River Road corridors, where it is desirable for these to continue to serve as scenic, landscaped approaches to Louisville's CBD from the east. Development will be reviewed with the idea that intensity will diminish from the medium density dominant in Area B to the pastoral, open-space character present at the eastern edge of the Review District. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

§ 162.41 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERATION. A change to any part or to the whole of a structure that is not ordinary repairs.

BOARD. The Board of Directors of the Corporation.

BUILDING. Any type of man-made structure, except for temporary structures to be used for special events or emergency situations for a period not to exceed one month.

CORPORATION. The Waterfront Development Corporation.

DEVELOPMENT ACTIVITY. Any alteration, new construction or demolition of a structure, a change in business identification signs, a change in the use of a property, or the construction of public parking or other publicly accessible area.

DISTRICT. The Waterfront Review Overlay District established pursuant to this subchapter; as shown on Exhibit A attached to Ordinance No. 66-2004.

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

GUIDELINES. The statement of specific design standards for the Waterfront Review Overlay District set forth in § 162.48;

MAJOR STRUCTURAL CHANGE. Structural alterations and structural repairs made within any 12-month period costing in excess of 50% of the physical value of the structure, as determined by comparison of the extent/value of the alterations involved and the replacement value of the structure at the time the plans for the alteration are approved, using the Building Officials Conference of America (BOCA) chart for construction cost.

NEW CONSTRUCTION. The erection of the whole or any part of a structure.

ORDINARY REPAIRS. Nonstructural reconstruction or renewal of any part of an existing building for the purpose of its maintenance or decoration, which shall include, but not be limited to, the replacement or installation of nonstructural components of the building, such as the roofing, siding, windows, storm windows, insulation, drywall or lath and plaster, or any other replacement, in kind, that does not alter the structural integrity, alter the occupancy or use of the building, substantially alter appearance of the building, or affect by rearrangement, exit-ways and means of egress.

OVERLAY DISTRICT ADMINISTRATOR.

The member of the staff of the Corporation delegated the responsibilities under this subchapter by the Board.

WRO PERMIT. An overlay district permit issued by the Corporation pursuant to this subchapter. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

§ 162.42 REVIEW OF DEVELOPMENTAL ACTIVITY AND PLANS.

(A) The Waterfront Development Corporation shall review any developmental activity within the waterfront review overlay district as provided in §§ 162.40 through 162.48. The review by the Corporation is limited to the policies and standards established in §§ 162.40 through 162.48 and shall not include any consideration of whether the use is appropriate under the zoning regulations.

(B) The Board shall review all plans for conformity with the design standards established in § 153.77, and, in addition, shall consider whether the developmental activity is compatible with the overall scheme of development for the waterfront area. In making that determination, the Board shall be guided by the following policy statements of basic goals and concepts for the Waterfront Review District:

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

(1) Unified public spaces. The waterfront and adjacent lands in the district should be planned in a coordinated manner, with connected open-space systems, pedestrian ways, and public activity areas. Landscape concepts and details of materials and construction shall be related to convey a sense of harmony and unity.

(2) Continuity and coordinated private development. Design theme and aesthetic concept should both exhibit a relationship to the waterfront, and be coordinated with adjacent development. As appropriate, circulation systems should have continuity between parcels.

(3) Public accessibility to river's edge. The Ohio River water's edge should be accessible to the public for view and use throughout the W-1 and W-2 areas, and is preferred, where practicable, in the C-1 portion of the W-3 area.

(4) River's edge treatment. The waterfront is viewed as the city's front door and the face of the community. The quality of its appearance is important. The views from the river, 1-71, 1-64 and other vantage points are to be considered in design.

(5) River Road Parkway. River Road serves as a main entrance to the city and as an access road to the waterfront. This resource should be developed as a unified visual experience, in the tradition of the city's existing parkway system.

(6) Downtown connection. The Central Business District (CBD) of the city should be tied directly to the waterfront through pedestrian and vehicular connections.

(7) River's edge concept. From the wharf and Belvedere area of the eastern limit of the WRO area the character of the river's edge will change from an urban "hard edged" setting to a natural and naturalized landscape appearance.

(8) River Road Parkway concept. The parkway is viewed as a man-made linear open space appearance. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

§ 162.43 PRINCIPLES AND GUIDELINES.

(A) On and after the effective date of this subchapter no person shall make any alteration to a structure or building or undertake new construction as defined in § 162.41 within the District without obtaining a permit issued, without cost, pursuant to the procedures set forth in § 162.46 certifying compliance with the applicable design standards for the district as set forth in § 162.48.

(B) The purpose of the district is to control development within the district in order to:

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

(1) Protect waterfront property as a valuable asset to the community in terms of quality of life and economic development;

(2) Protect public investment in the waterfront area;

(3) Create a character in the waterfront area that will stimulate private investment within the area;

(4) Enhance and encourage public enjoyment and use of waterfront scenic qualities and river activities;

(5) Encourage high quality development that is attractive to the public and enhances the waterfront's appearance; and

(6) Encourage development that is sensitive to the area's unique environmental qualities.

(C) The establishment of the district shall not be deemed to repeal or in any respect alter the provisions and requirements of the flood plain regulations. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

162.44 ADMINISTRATION AND IMPLEMENTATION.

The responsibility for administering and implementing the guidelines is delegated to the Corporation, whose staff and Board shall have the following duties and responsibilities pursuant to this subchapter:

(A) Overlay District Administrator. The duties of the Overlay District Administrator shall be to:

(1) Classify all development activity in accordance with § 162.45 as:

- (a) Exempt;
- (b) Expedited; or
- (c) Nonexpedited.

(2) Coordinate review of permit applications with the Departments of Public Works, Inspections, Permits and Licenses, and other agencies, commissions or boards.

(3) Review expedited development applications;

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

(4) For expedited development applications, issue a WRO Permit, issue a WRO Permit with conditions, or deny a WRO Permit pursuant to the procedures set forth in § 162.46.

(5) Serve as staff to the Board in its consideration of applications classified as nonexpedited.

(B) The Overlay District Administrator may seek the advice of a body made up of persons possessing professional architectural or urban design expertise for review of applications as he deems necessary.

(C) The Board shall have the following duties and responsibilities with respect to applications for WRO Permits:

(1) Meet with applicants for nonexpedited development projects to review their applications;

(2) For nonexpedited development applications, issue a permit, issue a WRO Permit with conditions, or deny a WRO Permit pursuant to the procedures set forth in § 162.46;

(3) Review decisions of the Overlay District Administrator on expedited development applications upon request of the applicant pursuant to § 162.46;

(4) Recommend to the Metro Council amendments to the guidelines as needed.

(5) The Board shall provide not less than five days written notice to the Butchertown Neighborhood Association (the "Association") of any meeting of the Board where one or more agenda items concerns property located within the boundaries of the Butchertown Neighborhood as defined by the Metro Planning Commission. The association shall designate in writing to the Board the name, mailing address, and telephone or fax numbers of a representative for purposes of receiving notice under this section on behalf of the association. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

§ 162.45 EXEMPT ACTIVITIES.

(A) The following development activities shall be exempt from review under the guidelines:

- (1) Ordinary repairs;
- (2) Removal of existing signage without replacement;
- (3) Temporary signage or structures;

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

(4) Emergency repairs ordered by a Metro Building Code enforcement official in order to protect health and safety;

(5) Alterations or major structural change only to the interior of a structure, unless visible from outside building; and

(6) Demolition of an accessory structure, including but not limited to unconnected garages or storage sheds, billboards, fences or retaining walls.

(B) All development activity within the District, except for exempt activities described in division (A) shall be classified as either requiring expedited or nonexpedited review under the guidelines, as follows:

(1) The following development activities shall be subject to expedited review:

(a) Landscaping;

(b) Sidewalk or street paving, lighting, streetscape furnishings, and banners;

(c) Signage; and

(d) Exterior alterations which are not major structural changes.

(2) The following development activities shall be subject to nonexpedited review:

(a) New construction;

(b) Major structural change;

(c) Parking facility development or redevelopment; and

(d) Demolition of a non-accessory structure. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

§ 162.46 PERMIT REQUIREMENTS AND APPEAL.

(A) It shall be a condition precedent to obtaining any permit for any development activity within the District that the person has obtained a WRO Permit pursuant to this section. A WRO Permit shall be issued only where it is determined, pursuant to the procedures established by this subchapter, that the proposed development activity is in compliance with the guidelines.

(B) No permit or certificate of occupancy shall be issued by any Metro Agency for any development activity within the District unless a WRO Permit for such development activity has been obtained pursuant to this subchapter.

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

(C) An application for a development activity within the District shall be submitted to the Corporation on a form established by the Overlay District Administrator. The application shall include at least the following information, unless waived pursuant to division (D):

(1) A site plan, drawn to an appropriate scale, photographs or other presentation media showing the proposed development in the context of property lines, adjacent structures, streets, sidewalks, etc.;

(2) Plans, elevations and other drawings, drawn to appropriate scale, as may be necessary to fully explain all proposed structures or alterations to structures; and

(3) Details or urban design elements, off-street parking, landscaping, fencing or walls, signage, streetscape and other aspects as may be necessary to fully present the proposed development.

(D) Applicants may seek review of a development proposal prior to making formal application pursuant to division (C). The preliminary review shall be conducted by the Overlay District Administrator to determine if the minimal requirements for acceptance of the application have been met. The Overlay District Administrator may agree to waive certain of the requirements set out in division (C) if he or she determines that such requirements are not necessary for review of the application pursuant to this subchapter.

(E) The Overlay District Administrator shall classify the development proposal as either exempt, or not exempt, requiring either expedited or nonexpedited approval.

(F) A WRO Permit application classified as requiring expedited approval shall be reviewed by the Overlay District Administrator who shall, after review of the application, prepare a written decision which shall approve the WRO Permit, approve the WRO Permit with conditions, or deny the WRO Permit. An applicant, within five days of receipt of the decision of the Overlay District Administrator on a proposal requiring expedited review, may request appeal of the application to the Board. The application shall be reviewed as provided in division (G) for applications classified as requiring non-expedited approval, except that the Board shall consider the application at its next regularly scheduled meeting following the request, provided that such request is made not later than seven working days prior to the meeting.

(G) A WRO Permit application classified as requiring a non-expedited approval shall be reviewed by the Board. The permit application shall be reviewed by the Overlay District Administrator in accordance with the guidelines and forwarded to the Board with the Overlay District Administrator's written recommendation to either approve the WRO Permit, approve the WRO Permit with conditions, or deny the WRO Permit.

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

(H) The applicant shall be sent, by first-class mail, written notice of the date, time and location of the meeting of the Board at which his or her application shall be considered. The notice shall be sent no later than ten days prior to the date of the meeting, unless such notice is waived by the applicant.

(I) At the meeting scheduled to consider the applicant's WRO Permit request, the Board shall consider recommendations of the Overlay District Administrator and such other information as the applicant chooses to present for the Board's consideration.

(J) The Board, by majority vote of the members present, shall prepare a written decision which shall approve the WRO Permit, approve the WRO Permit with conditions, deny the WRO Permit, or defer consideration of the application until the next meeting of the Board.

(K) If, after an applicant has obtained a WRO Permit, the development proposal is amended, he or she shall submit the amended development proposal to the Overlay District Administrator who shall make a determination that the amendment has no significant impact or that the development proposal as amended requires additional review. Review of an amended proposal shall follow the same procedure as provided herein for an original application. Upon a determination by the Overlay District Administrator that the amended proposal requires review, the previously issued WRO Permit shall be suspended pending the review of the amended development proposal.

(L) Any applicant who is denied a WRO Permit shall have a right of appeal to the Jefferson Circuit Court. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

§ 162.47 PERMIT AGREEMENT.

The filing of an application to obtain a WRO Permit pursuant to this subchapter shall constitute an agreement by the applicant that he or she will undertake the development activity in conformity with the plans approved by the WRO Permit and that he or she will abide by any conditions imposed by a conditional approval of the WRO Permit. All conditions imposed by a WRO Permit shall be binding on the applicant, his or her successors, heirs or assigns, unless otherwise amended or released by the Board or Overlay District Administrator. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004)

§ 162.48 DESIGN GUIDELINES.

(A) The Waterfront Development Corporation, in interpreting the design standards established by this subchapter shall consider the following design principles:

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

(1) Functional requirements. A design shall meet the basic criteria for satisfying it's program. Relationships between parking and buildings, for example, shall met accepted standards of design for engineering and accessibility.

(2.) Systems relationships and continuity. The project shall be into other projects and planned systems, such as pedestrian ways, landscaping patterns, lighting concepts, and traffic movements.

(3) Visual relationships and continuity. The way one sees the project in relation to its context is important. Such considerations as the view from the road, from the river, or from other vantage points such as from above, in vista or panorama, at day or night, or in different seasons may be of consequence.

(4) Aesthetic and symbolic meaning. The style and form should relate a project to the historic setting or to the unique qualities of its city waterfront location.

(5) Architectural and landscape composition. Scale, form, and materials are the basic elements of building and site design. The relationships between buildings and the relationship between projects and their settings are significant. A project should be expressive of contemporary thinking in design. Questions of style should be focused on relationships of form and material rather than replication of historic architectural periods.

(6) Pedestrian activity and scale. The quality of experience for the individual or for groups in varying activities is of great importance. Land use, architectural design, landscape design and public art combine at the human scale to contribute to quality places for people.

(B) The following general standards shall apply in the WRO District.

(1) Views:

(a) Maintaining and improving views of the river is desired. Structures should be designed to allow views of the river from adjacent streets; massing and placement of buildings should maximize a cone of vision that includes a view of the riverfront and does not obscure the view from other developments.

(b) Treatment of river edges should be visually appealing from the river vantage point as well as from the shore.

(2) Landscape and grading:

(a) Continuity of landscape concept and harmony between development parcels is expected.

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

(b) Design concept, materials selection, and detailing of public spaces should have a harmony and unity expressive of an overall scheme. In the absence of a detailed "master" site plan, the Corporation shall look for overall continuity and theme among projects.

(c) The filling of land for development purposes shall consider the scenic quality of the parkway and the river's edge. Fill operations are to be set-back from the landscape buffer area, graded with side slopes, and varied in contour as needed to present a "naturalized contour." Continuity between adjacent parcels is important.

(d) Maintaining the natural character and contours of grade of the existing river bank, within the designated setback, is encouraged, especially in Areas B and C-I.

(e) Surface areas used for parking should be landscaped or fenced to partially screen such areas from view from access streets, freeways, adjacent properties, and from the waterfront. Parking structures should include perimeter landscaping. Berms (in combination with plantings or low walls) screening parking are appropriate and desired, with variations in contours achieving either a natural or cultivated appearance as best relates to the land use it adjoins.

(f) When the top level of parking structures is used for parking and is readily seen from public streets or residential or hotel structures, rooftop landscape treatment shall be reviewed for its design quality

(g) In highly visible surface parking lots, use of alternative surfaces such as paving blocks or "grass-crete" is encouraged.

(h) Where landscaping is selected for screening purposes, the seasonal density and buffering capabilities of selected plant material shall be reviewed. Seasonal variety of color and form should be an important consideration in the choice of materials for aesthetic intent.

(3) Circulation (pedestrian and vehicular):

(a) Pedestrian systems and street crossings that encourage trips on foot, particularly from the downtown to the waterfront area, should be provided.

(b) The quality of the sidewalk environment should be enhanced by means of appropriate landscaping, lighting, graphics, street furniture, and design; concrete paving in compliance with the CBD sidewalk standards, or finish material such as brick or stone pavers, should be provided.

(c) Internal pedestrian circulation systems should coordinate with the parkway plans and river's edge plans and standards for walks, bikeways, jogging trails, and other movement systems or patterns.

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

(d) Parking lots, storage areas and similar uses should be located away from the river's edge and on unobtrusive sites. In areas characterized by buildings along the street line, parking lots should be located behind or on the side of buildings, whenever possible.

(e) Designated public pedestrian access ways between River Road and the river's edge should be encouraged.

(f) The public river walkway should be continued along the river's edge in Areas A-I and B. Its design should be sensitive to the character of the surrounding waterfront development.

(g) The pedestrian systems (walks, jogging trails) and bicycle paths should be developed along the parkway and in accordance with plans for River Road.

(h) Public transit service, through access to TARC routes, should be provided and should include shelters and waiting areas for in public and private developments.

(4) Building design, materials, and colors:

(a) The use of unfinished common concrete block, cinder block, or corrugated panel as the main facing material for exterior walls is discouraged.

(b) Construction should be of quality finish materials such as brick, stone masonry, and architectural concrete and should be in harmony with the surrounding character of the waterfront development.

(c) Simulated materials such as vinyl and aluminum siding should be avoided.

(d) Predominant exterior colors should be of natural materials or those that are complimentary and harmonious to the character of the surrounding waterfront development.

(e) Bright colors should not dominate but may be permitted as a compatible accent.

(f) Large areas of blank walls (including parking garage frontage) should be avoided. Pedestrian and active-use areas at street level are encouraged. Special treatment with screening, landscaping, and the like, is desired where such conditions are unavoidable.

(g) When the first or street level of a structure is used for parking, storage, or is a vacant area, appropriate treatment of masonry, finish material, screening, or landscaping should be provided to minimize unsightliness.

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

(h) Mechanical equipment or utility equipment located on the exterior of a building shall be appropriately screened from public view or designed as an integral part of the overall exterior appearance of the building facade.

(i) Service areas, refuse collection areas, storage areas, and loading docks should be located away from or screened from public view.

(5) Preservation of historic structures and sites:

(a) Projects which provide for adaptive reuse of historic buildings and sites eligible for the National Register of Historic Places shall be favorably reviewed.

(b) All buildings are recognized as products of their own time. Contemporary design is encouraged except where such design would clearly detract from the design compatibility within a group of historically significant structures. Alterations, additions, and new developments should be sympathetic to and harmonious with the historic context, and not seek to mimic an earlier style.

(c) The distinguishing original qualities of a property should not be diminished through alteration or removal of distinctive architectural features. When replacing original material, new material should closely match the original in composition, design, color, texture, and other visual qualities.

(d) If cobblestones are located within the proposed development, they are to be collected and either reincorporated into the project's design or given to the city. Cobblestones are considered historical artifacts and are the property of the city.

(6) Lighting:

(a) Lighting fixtures in publicly accessible areas should be decorative and similar to or compatible with the Victorian fixtures installed downtown. In Areas A-I and B, light color should be the same as that used at the wharf.

(b) Exterior lighting should enhance the site and building design.

(d) Lighting should be restrained to prevent excessive brightness and undue glare on adjacent properties and the river.

(e) Lighting levels and color shall be designed in consideration of the overall effect on patterns, repetition, focal points, and rhythm within the panorama of the waterfront.

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

(7) Utilities:

(a) All utility services (telephone, electrical, cable, and the like) shall be installed underground.

(b) Utility components required to be above ground (transformers, meters, and the like) shall either be screened by landscaping or decorative wall or located away from public view.

(8) Retaining walls, fencing and railing:

(a) Retaining walls should be faced with masonry or other decorative screening or landscaping to minimize the blank appearance of such walls.

(b) Fence and rail design should be compatible with the surrounding character of the waterfront development.

(c) Proposed fencing should not limit actual or visual access to the waterfront, except where necessary for safety or security. Fencing material visible from publicly accessible areas should compliment surrounding architectural materials; chain link fencing is inappropriate in these areas.

(d) When determined that screening is necessary, fencing, if used as screening, shall be solid, and shall include vegetation. Landscaping used for screening shall form a complete year-round opaque screen.

(9) Flood plain:

(a) A flood control system shall be integrated within the development's design. Physical and visual barriers to the waterfront are discouraged.

(b) The design of lower levels, exposed to flood elevations, shall be integrated with the structure so it will not be unsightly or unrelated to either the habitable portion of the building or the surrounding landscape.

(10) Signage:

(a) Signs should be designed to enhance the area's visual appeal and ability to attract the public. The size, height, number and design of signs shall be reviewed for their ability to achieve these goals as well as their impact on traffic safety.

(b) In general, attached signs should be designed to fit within the architectural space intended for signage and not cover architectural features.

Louisville/Jefferson County Metro Government - Land Usage Overlay Districts

(c) Signs seen in relation to other signs should be designed to be compatible in location, shape, style, graphics, size, material, illumination, and color. Uniformity should be maintained in certain characteristics while other characteristics should be varied to permit individual expression and identification. (d) Outdoor advertising signs (billboards), pennants, streamers and temporary signs are not appropriate in the Waterfront area except for special events, building openings, and the like which shall be subject to expedited review under § 162.45(B)(1).

(C) The following standards shall apply only within the WRO sub-areas:

(1) Standards specific to Areas A-1 and A-2

(a) Strong access connections between Main Street and the waterfront should be maintained.

(b) The urban grid of streets and sidewalks should logical and appropriate manner to achieve a physical and perceptual relationship between the CBD and the waterfront.

(c) Individual buildings and structures should be situated in relation to the existing urban grid and historic context.

(2) Standards specific to Area B: Dock construction should be developed to meet recreational needs, with floating docks using support masts designed as an integral part of the overall appearance. Covered slips should not be permitted for the typical boat slips.

(3) Standards specific to Area C-I:

(a) Landscape and/or siting shall screen industrial and other uses from River Road and the river's view.

(b) Chain link fence may be used for security reasons but shall be sufficiently landscaped where visible from public areas and the river.

(D) The Corporation, or any body to which it has delegated responsibility for technical reviews of development plans under this subchapter may adopt additional standards consistent with the policies and standards established herein for the purpose of interpreting and supplementing the policies and standards established by this subchapter. (Lou. Metro Ord. No. 66-2004, approved 6-3-2004) Standards specific to Areas A-I and A-2:

§ 162.98 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application. (1994 Jeff. Code, § 10.07) (Jeff. Ord. 36-1994, adopted and effective 12-20-1994)

§ 162.99 PENALTY.

(A) It shall be unlawful for any person to conduct any development activity within an overlay district in violation of the provisions of this chapter or contrary to the requirements and conditions set forth in any overlay district permit issued pursuant to this chapter. Violation of any provision of this chapter shall be enforced by the remedies set out in § 10.99.

(B) It shall be unlawful for any person to conduct any development activity within the District in violations of the provisions of this Ordinance or contrary to the requirements and conditions set forth in any Permit issued pursuant to this Ordinance. Violation of any provision of this Ordinance shall be enforced by the remedies set out in § 10.99. (1999 Lou. Code, § 158.99) (Lou. Ord. No. 233-1992, approved 12-28-1992; Lou. Am. Ord. No. 157-1996, approved 8-15-1996) 2004 S-3